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Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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October 30, 2003

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The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Sensenbrenner:

We are writing to request that the Committee hold hearings and investigate the leaking of Valerie Plame's name and CIA operative status to the press, compromising Ms. Plame's safety and other national security assets. It is very likely that federal laws have been broken, namely, 50 U.S.C. § 491 and 18 U.S.C. § 793 (2002), which criminalize the exposure of undercover operatives and the transmission of defense information.

It has been nearly a month since the Department of Justice began its criminal investigation and little headway has been made. In fact, the publicly available information demonstrates that the investigation is not being conducted in a thorough or unbiased manner. For example:

- On September 30, the DOJ gave the White House 11 hours notice before the investigation was officially started, leaving ample time for the destruction of evidence. ("Investigating Leaks," NYT, Oct. 2, 2003)
- The Attorney General has documented ties to Karl Rove, a primary target of the investigation, that render him an inappropriate person to ultimately oversee the outcome of this inquiry. Mr. Rove worked on three of John Ashcroft's campaigns in the late 1980's and early 1990's, collecting \$746,000 in fees. (Duffy, "Leaking With a Vengeance," Time, Oct. 5, 2003)
- Despite the Attorney General's conflicts, he is still involved with the investigation on an intimate level. On October 21, 2003, Christopher Wray, Associate Deputy Attorney

General, testified before the Senate Judiciary Committee that he regularly informs the Attorney General about the investigation. He divulges the names of those interviewed, and enough detail "for him to understand meaningfully what's going on in the investigation." (Lichtblau, NYT, Oct. 22, 2003)

- The DOJ investigation is replete with conflicts of interest. Associate Attorney General Robert McCallum, who is overseeing the Investigations Division's progress, is an old friend of President Bush's. They were classmates at Yale and members of the secretive Skull and Bones Society together. (Schmitt and Chen, "Leak Inquiry Embarks on a Long Road," L.A. Times, Oct. 2, 2003)
- FBI officials have acknowledged that they will be going a "bit slower on this one because it is so high-profile. This will get scrutinized at our headquarters and at Justice in a way that lesser, routine investigations wouldn't." (Stevenson and Lichtblau, "Attorney General Is Closely Linked to Inquiry Figures," NYT Oct. 2, 2003)
- The White House publicly ruled out Karl Rove, vice presidential chief of staff Lewis Libby, and National Security Council senior director Elliott Abrams as possible sources for the news leak. We have no way of knowing how the White House reached these conclusions. To the extent the investigation conflicts with these comments, the White House will be in the awkward predicament of publicly contradicting their superiors. (Mikkelsen, "White House Says Three Senior Aids Innocent In Leak," Reuters, Oct. 7, 2003)
- On October 7, the White House announced that it will be screening documents for "relevance" before handing them over to the DOJ, to which the DOJ has yet to object. This could result in the White House filtering out important information that could shed light on the source of the leak. (Stevenson and Lichtblau, "Leaker May Remain Elusive, Bush Suggests," NYT, Oct. 8, 2003)
- Career professionals have expressed concern that the investigation has run amok. Senior criminal prosecutors and FBI officials "fear Mr. Ashcroft could be damaged by continuing accusations that as an attorney general with a long career in Republican partisan politics, he could not credibly lead a criminal investigation that centered on the aides to a Republican president." (Johnston and Lichtblau, "Senior Federal Prosecutors and FBI Officials Fault Ashcroft Over Leak Inquiry," NYT, Oct. 16, 2003) A former State Department Deputy Chief of Counterterrorism has asked Congress to investigate the leak, commenting that "there's a lot they can do without undermining the criminal investigation." (Lichtblau, NYT, Oct. 22, 2003)

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- The White House still has not taken affirmative steps to trace the leak. Just this week, the President stated in a press conference that he had no plans to ask his staff to sign affidavits denying their involvement. (Johnston and Lichtblau, NYT, Oct. 29, 2003)
- On September 29, Ranking Member Conyers requested a meeting or staff briefing on this issue. The Department of Justice not only has not offered to brief us, but has not even bothered to acknowledge or respond to Mr. Conyers' letter.

Equally important to the question of criminal culpability is the issue of what role the White House had in subsequent efforts to tarnish Ambassador Wilson and his wife. A Republican congressional staffer admitted that the Administration's political strategy for dealing with Wilson and his wife was to "slime and defend." (Stevenson and Lichtblau, "White House Looks to Manage Fallout Over C.I.A. Leak Inquiry," Oct. 2, 2003) It has also been reported that after the leak was initially disseminated, Karl Rove told Chris Mathews that Mr. Wilson's wife and her under cover status were "fair game." (Thomas and Isikoff, "Secrets and Leaks," Newsweek, Oct. 13, 2003) White House sources responded by asserting that Rove had merely told the press "it was reasonable to discuss who sent Wilson to Niger." (Id.) In either event, it appears as though the power of the White House may have been used to harm U.S. citizens.

There is long-standing precedent for our Committee to investigate criminal and ethical matters both prior to and concurrently with a Department of Justice investigation. In 1997, this Committee conducted high profile hearings about campaign finance improprieties in the 1996 presidential election as the Attorney General contemplated appointing an independent counsel. In 1995, the Judiciary Committee's Subcommittee on Crime heard 12 days of testimony as part of a Congressional investigation into federal actions at the Branch Davidian Compound in Waco, Texas. In 1992, the Full Committee and the Subcommittee on Crime and Criminal Justice held hearings on whether high-ranking officials in the DOJ and the CIA knew of fraudulent loans to Iraq, and misrepresented this information in Federal district court. Between 1989 and 1992, the Committee and the Subcommittee on Economic and Commercial Law investigated claims that the DOJ ran a small computer company INSLAW into insolvency in order to steal its software program. This investigation ran concurrently with a special counsel appointed in 1989 by Attorney General William Barr.

Given the national security implications of these matters and the challenges to White House integrity, we believe it is imperative that the key officials come forward before the committee, release their telephone and other logs to us, and testify under oath regarding their involvement in this matter. We are happy to work with you and the Justice Department to insure that any Committee review does not interfere with the ongoing Justice Department investigation.

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Thank you for your prompt attention to this matter.

Sincerely,

Jim Conyers Jr.
Maxine Waters

M.
Rick Bonner

Bob Scott
Tammy Baldwin

Frank Lautenberg
Zoe Lofgren

Arnold Moller
Marty Meehan
Robert Wepler

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